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BY E-FILING

The Honorable Kent A. Jordan
United States District Court
844 N. King Street
Wilmington, Delaware 19801

Re: Heraeus v. Lynn, C.A. No. 04-904 (KAJ)

Dear Judge Jordan:

I write on behalf of the parties to update the Court on the settlement in this case. My January 9 letter indicated that the parties expected to finalize the settlement by February 23, 2006. The parties have reached an agreement on the terms of settlement, but need additional time to complete the necessary formalities to execute the agreement and effectuate payment. The parties now expect to file a Stipulation of Dismissal by March 3.

Respectfully,

/s/ Leslie A. Polizoti

Leslie A. Polizoti

cc: Dr. Peter T. Dalleo (by hand)
Magistrate Mary Pat Thyng (by email (judge_mary_pat_thyng@ded.uscourts.gov))
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